

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

TERRIE HOLSCHER,

Plaintiff,

vs.

MATTHEW J. DEURMEIER, FBI
AGENT, IN HIS INDIVIDUAL
CAPACITY JOINTLY AND
SEVERALLY, et al.,

Defendants.

No. 2:20-cv-67-BMM

ORDER

Plaintiff Terrie Holscher filed several motions in the above-captioned matter. (Docs. 49, 56, 57, and 58). Federal Defendants filed a combined response to those motions. (Doc. 61). With those motions fully briefed, the Court will now rule on those motions.

I. Motions Regarding Communications

Holscher filed two motions seeking a Court order to serve all documents by mail rather than e-mail. (Docs. 49 & 56). Federal Defendants represent and provided documentation that they have served Holscher by USPS Certified Mail other than those documents apparently “refused.” (Docs. 51 at 3, 42 at 5, 61 at 2). Federal Defendants further represent that they will only serve Holscher by mail

rather than e-mail. (Doc. 61 at 3). The Court will therefore deny Holscher's two motions as moot. Holcher may file a renewed motion should Federal Defendants begin sending e-mails again.

II. Motion Regarding Jury Trial

Holscher moved the court to "correct the telephonic conference" to reflect that Plaintiff did not request a trial by jury. (Doc. 57 at 1). Federal Defendants do not oppose this clarification. (Doc. 61 at 3). The Court will grant Holscher's motion to correct. The trial date provided in the Court's Scheduling Order will be a bench trial. (Doc. 47).

III. Motion for Order to Show Cause

Holscher finally moved the Court to order Federal Defendants to show cause why they should not be sanctioned for failing to confer with Holscher as to proposed stipulated facts for the joint discovery plan. (Doc. 58). Federal Defendants represent that they attempted to coordinate a call with Holscher but were unable to establish contact. (Doc. 61 at 4). Federal Defendants further provided documentation of an exchange by e-mail in which the parties could not agree to proposed stipulations. (Docs. 61 at 4, 61-3, 61-4). The e-mail is dated before the April 2, 2021 deadline set by the Court. (Doc. 29). The Court will deny Holscher's motion.

ORDER

IT IS HEREBY ORDERED that:

- Holscher's motions regarding communications (Docs. 49 & 56) are **DENIED** as moot;
- Holscher's motion to correct the telephonic conference (Doc. 57) is **GRANTED** and the trial date provided in the Court's Scheduling Order (Doc. 47) shall be a bench trial;
- Holscher's motion for an order to show cause (Doc. 58) is **DENIED**.

Dated the 18th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court